

NOTICE OF AGENCY RULEMAKING ADOPTION

AGENCY: Inland Fisheries & Wildlife

CHAPTER NUMBER AND TITLE: Chapter 1 - Open Water Fishing Regulations

ADOPTED RULE NUMBER:

CONCISE SUMMARY: The Commissioner of Inland Fisheries and Wildlife has adopted an emergency rule closing to all fishing that portion of the Narraguagus River from the ice control dam to the railroad bridge in the Town of Cherryfield. Closing the area will significantly reduce the incidental capture of adult Atlantic salmon.

The adopted regulation reads as follows: **Narraguagus River.** Closed to all fishing from the ice control dam to the railroad bridge in the town of Cherryfield.

EFFECTIVE DATE:

AGENCY CONTACT PERSON: Andrea Erskine, Department of Inland Fisheries and Wildlife, 284 State Street - 41 State House Station, Augusta, ME 04330-0041; telephone: 287-5201.

BASIS STATEMENT AND STATEMENT OF EMERGENCY NEED FOR RULE

UNIT NUMBER: 09-137

AGENCY: Inland Fisheries & Wildlife

RULE TITLE: Open Water Fishing Regulations - EMERGENCY AMENDMENT

The number of adult anadromous Atlantic salmon returning from the sea to spawn in Maine waters is very low, and sport fisheries for the species were suspended in December of 1999. Areas where adult Atlantic salmon congregate on the Narraguagus River have been closed to fishing for all species for a number of years. These include within 100 feet of the ice control dam in Cherryfield, and areas marked by red posts at the mouths of Sodom Brook and Schoodic Brook. In November of 2000, the U.S. Fish & Wildlife Service and National Marine Fisheries Service listed Atlantic salmon as Endangered in eight Maine watersheds including the Narraguagus River.

Angling activity in the area of the Narraguagus River known as the Cable Pool, has resulted in the capture of adult Atlantic salmon, documented through hooking and line wounds on fish captured in the fishway trap at the ice control dam and anglers being observed casting to rising Atlantic salmon. Salmon may also have been caught in the area between 100 and 450 feet from the ice control dam, known as the Shad Pool. As of July 22, 2003 three of 12 fish captured at the trap had hooking wounds (25%). This area must be closed to all fishing as an emergency measure in order to protect Atlantic salmon.

The Atlantic Salmon Commission received a request from the Narraguagus and Pleasant River Watershed Councils to pursue this closure. The Narraguagus River Salmon Association president has also supported the request.

The Commissioner's Advisory Council met on August 21 and consented to this emergency adoption.

FACT SHEET
(5 MRSA, Section 8057-A)

AGENCY: Inland Fisheries and Wildlife

CHAPTER NUMBER AND RULE TITLE: Chapter 1 - Open Water Fishing Regulations

STATUTORY AUTHORITY: 12 MRSA, Sections 7035

PRINCIPAL REASON FOR PROPOSING TO ADOPT THE RULE:

PURPOSE AND OPERATION OF THE RULE: Currently, it is unlawful to angle, take, or possess anadromous Atlantic salmon from all Maine waters (including coastal waters). Any salmon incidentally caught, must be released immediately, alive and uninjured. Atlantic salmon are being angled for and hooked under the guise of angling for shad on the Narraguagus River. This amendment closes that portion of the river where Atlantic salmon are likely to be caught.

ANALYSIS OF THE RULE: A reduction hooking mortality will result in increased spawning escapement to the Narraguagus River. Retaining the opportunity for a shad fishery in that area of the river where shad are more likely to be caught than Atlantic salmon during the shad migration will reduce the impact to the local community.

FISCAL IMPACT OF THE RULE: No fiscal impact anticipated as a result of this rule.

Rule-Making Cover Sheet

1. **Agency:** INLAND FISHERIES AND WILDLIFE
2. **Agency umbrella and unit #:** 09-137
3. **Title of Rule(s):** OPEN WATER FISHING REGULATIONS
4. **Chapter Number assigned to the rule(s):** Chapter 1 (1.01)
5. **Date(s)/method(s) of notice:** EMERGENCY RULEMAKING
6. **Date(s)/place(s) of hearing(s):** None held.
7. **Type of Rule:** ☐ New Rule ☐ Partial Amendment of Existing Rule
☐ Repeal of Rule **☒ XX Emergency Rule**
☐ Repeal and Replace: complete replacement of existing chapter, with former version simultaneously repealed.
8. **Name/phone of agency contact person:** Andrea Erskine, 287-5201
9. **If a major substantive rule under Title 5 c. 375 sub-c. II-A, check one of the following:**
☐ Provisional adoption (prior to Legislative Review) ☐ Final Adoption
10. **Certification Statement:** I, Roland D. Martin hereby certify that the electronic text identified as follows:
Narraguagus Emergency Rule 03.doc dated 8/22/03
- is a true copy of the rule(s) described above. I further certify that all portions of this rule are adopted in compliance with the requirements of the Maine Administrative Procedures Act.
- Maine Department of Inland Fisheries and Wildlife on August 21, 2003.
- Signature:** _____
- Printed Name & Title:** Roland D. Martin, Commissioner
11. **Approved as to form and legality by the Attorney General on** _____
- Signature:** _____
- Printed Name & Title:** Mary Sauer, Assistant Attorney General

Amend Chapter 1.01 (Open Water Fishing Regulations) as follows:

Washington County

Narraguagus River. Closed to all fishing from the ice control dam to the railroad bridge in the town of Cherryfield.

(Change is underlined - remainder of regulation remains as is).